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Compilation on Serbia

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1,2]

2. The United Nations country team stated that ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would be timely, underscoring that around 7,000 to 5,000 non-citizens were in need of international protection.[3]

III. National human rights framework[4]

3. The Committee on Economic, Social and Cultural Rights noted with concern the lack of a legal mandate for the Protector of Citizens (Ombudsman) to interact with the international human rights system and civil society organizations, the lack of sufficient financial and human resources available for the Ombudsman's Office and the limited follow-up by Serbia to the views and recommendations of the Ombudsman. It recommended that Serbia amend the Law on the Ombudsman in order to provide for the interaction of the Ombudsman with the international human rights system and civil society organizations.[5] In May 2015, the Office of the United Nations High Commissioner for Human Rights expressed concern about the continued and increasing pressure by Serbian authorities on then-Ombudsman Sasa Jankovic, which had first emerged following his investigation of alleged wrongdoing by the country's Military Security Agency. It underscored that the mandate of national human rights institutions should authorize unannounced and unfettered access to inspect and examine any public premises, documents, equipment and assets without prior written notice.[6]

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4. The Committee on the Rights of the Child welcomed the appointment of a deputy ombudsman for children. It was concerned at reports suggesting that the role of the deputy ombudsman in addressing children's rights was somewhat limited, due to inadequate resources and the fact that the office's visibility and authority at the local and national levels were insufficient.[7]

5. The United Nations country team asserted that the Commissioner for the Protection of Equality could receive and act on individual and other complaints, but had no independent enforcement powers. Although the Commissioner could undertake litigation in courts, no new cases had been launched in 2016 or 2017.[8]

6. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context stated that the recommendations of the Protector of Citizens were not implemented in practice, and that the opinions and recommendations of the Commissioner for the Protection of Equality appeared to be seldom implemented.[9]

7. The Working Group on Enforced or Involuntary Disappearances asserted that Serbia did not have a national strategy on human rights or a human rights action plan.[10]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination[11]

8. The Human Rights Committee was concerned that, despite the country's efforts to prevent offences motivated by hatred, hate crimes, particularly against Roma, remained a serious problem. It recommended that Serbia increase its efforts to promote tolerance for persons belonging to ethnic, national, racial, religious and other minorities, including Roma.[12]

9. The Committee on the Rights of the Child recommended that Serbia ensure the availability of sufficient human, technical and financial resources for the effective implementation of the national strategy for the prevention of and protection against discrimination for the period 2014–2018.[13]

10. The United Nations country team indicated that, as at June 2017, several aspects of the country's anti-discrimination law were not in conformity with international law, including the definition of indirect discrimination, which had been incorrectly transposed, and the denial of reasonable accommodation, which did not constitute a form of discrimination under the law.[14]

11. The Special Rapporteur in the field of cultural rights expressed concern about the high level of politicization of cultural heritage issues in Serbia and in Kosovo,* and urged them to delink cultural heritage matters from nationalistic agendas, underscoring that cultural heritage should never be used to construct discourses or policies aimed at the exclusion of others.[15] Serious challenges remained in Serbia that must be urgently addressed, including with respect to the ability to discuss, produce and access cultural content related to the atrocities of the 1990s, as well as in the areas of freedom of artistic expression and the rights of human rights defenders. She stated that in Serbia and in Kosovo the public relations discourse on human rights must be transformed into cultural reality.[16]

* All references to Kosovo in the present document should be understood to be in compliance with Security Council resolution 1244 (1999).

12. The Working Group on Enforced or Involuntary Disappearances recommended that Serbia develop educational materials that promoted pluralism in order to combat ethnic polarization and ethnic discrimination.[11]

13. The Human Rights Committee recommended that Serbia strengthen measures to eradicate all forms of social stigmatization of and discrimination and violence against persons based on their sexual orientation and gender identity or HIV status and implement a procedure for legal gender recognition.[12] The United Nations country team asserted that, regarding the recommendations made during the previous review on the right to peaceful assembly of lesbian, gay, bisexual, transgender and intersex persons, Belgrade had successfully held annual pride events in three consecutive years (2014-2016).[13]

II. Civil and political rights

1. Right to life, liberty and security of person[14]

14. The United Nations country team referred to abuse of and violence against older persons, including psychological, verbal and emotional abuse, noting that the situation of older persons in rural areas was particularly worrying.[15]

15. The Committee against Torture urged Serbia to promptly implement the legislative measures necessary to harmonize the provisions of the Criminal Code dealing with torture and align them with the definition contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee regretted that the Criminal Code still maintained the statute of limitations in respect of the crime of torture.[16]

16. The same Committee was concerned that overcrowding in correctional facilities remained above 116 per cent, and took note of information about poor detention conditions, particularly in police stations, and insufficient health-care services, including mental health care, in prisons.[17]

17. The Committee was also concerned at information that the judiciary continued to favour incarceration measures and pretrial detention over alternative measures of detention, despite the efforts made by Serbia to encourage the use of less restrictive measures. It remained concerned at the high number of deaths in custody, including suicides, as well as the incidents of inter-prisoner violence.[18]

18. The same Committee noted with concern that a large number of persons with mental and psychosocial disabilities were confined involuntarily in psychiatric institutions and that almost no progress had been made towards deinstitutionalization.[19]

2. Administration of justice, including impunity, and the rule of law[20]

19. The Committee on Economic, Social and Cultural Rights was concerned that the administration of justice was still ineffective, in particular in the context of employment-related claims against companies that had been privatized. It recommended that Serbia take the necessary legal, policy and other measures to ensure the effective and independent functioning of the judiciary as a means of safeguarding the enjoyment of human rights.[21]

20. The Human Rights Committee acknowledged the national judicial reform strategy. It was concerned about the probation period of three years for new judges and about alleged cases of pressure and retribution exercised by politicians and the media on judges, prosecutors, the High Judicial Council and the State Prosecutorial Council. The Committee was also concerned about the remaining backlog of court cases and the delays in the adoption of the draft law on free legal aid. It recommended that Serbia entrench judicial independence, including by ensuring the tenure of new judges and preventing any political interference in the work of the High Judicial Council and the State Prosecutorial Council.[22]

21. The Committee against Torture noted with concern that, of 391 complaints of torture and ill-treatment filed with the Internal Control Department of the police between 2009 and March 2012, only 15 per cent had resulted in disciplinary measures. It was highly concerned at information that a condemnatory judgment had been passed in only 15 per

cent of the criminal cases filed since 2010 and that, in the majority of cases, the complaints were rejected by the prosecutor. It was alarmed by the amendments made to the Criminal Procedure Code in 2013, namely, that in cases of torture falling under article 137 (2) and (3), the prosecutor was no longer under an obligation to conduct an investigation. The Committee urged Serbia to adopt the measures necessary to change the culture of impunity of torture.[19]

22. The Working Group on Enforced or Involuntary Disappearances stated that the lack of a law regulating the status of missing persons and guaranteeing the rights of victims was a significant barrier to the realization of the rights of the relatives of the disappeared.[20] It recommended that Serbia consider introducing the legislative amendments necessary to broaden the definition of victim, as the existing law did not enable the relatives of a disappeared person to be recognized as victims.[21] It also recommended ensuring that reparation was available to all victims of enforced disappearance.[22]

23. The same Working Group recommended, inter alia, that Serbia establish enforced disappearance as a separate offence in accordance with the definition contained in the Declaration on the Protection of All Persons from Enforced Disappearance.[23]

24. The same Working Group stated that, despite impressive results in the past, progress in the search for missing persons in the region had slowed down significantly in recent years.[24] The Committee on Enforced Disappearances recommended that Serbia ensure that all cases of enforced disappearance that might have been committed by agents of Serbia or by persons or groups of persons acting with their authorization, support or acquiescence in the context of past armed conflicts were investigated thoroughly and impartially.[25] The Working Group on Enforced or Involuntary Disappearances recommended that Serbia promulgate a law on access to information and a proper legislative framework on archives, so as to guarantee full access to all information.[26]

25. The Human Rights Committee remained concerned about, inter alia, the low rate of prosecutions for war crimes committed during the armed conflicts, including those committed by middle- and high-ranking officials; the narrow definitions of "victim" under the Law on Civilian Invalids of War and of "injured parties" under the Criminal Procedure Code; the requirement that victims declare the disappeared person dead to obtain compensation; the lack of resources for the Office of the War Crimes Prosecutor; and the alleged pressure exerted by the Government on the office of the Prosecutor.[27]

26. The Working Group on Enforced or Involuntary Disappearances expressed great concern that some alleged perpetrators occupied positions of authority in Kosovo.[28] It recommended that Serbia initiate a vetting process to identify all government officials who had allegedly been involved in the commission of war crimes.[29]

27. The Working Group stated that there was a need to strengthen and systematize support and protection programmes for victims and witnesses.[30] It recommended systematizing the witness protection programmes to ensure they were comprehensive.[31]

28. The Working Group also stated that the obstacles encountered in the determination of the fate and whereabouts of missing persons could be overcome only with full and open regional cooperation and coordination.[32] It recognized that the international community was also responsible for the lack of truth, justice and reparation that relatives continued to face.[33]

29. The Working Group indicated that enforced disappearance had not yet been incorporated as an autonomous crime in the criminal legislation of Kosovo, impunity for war-related crimes had not been eliminated and the judicial system in Kosovo remained weak and lacked efficiency.[34] It recommended, inter alia, that authorities in Kosovo reach an agreement on war crime cases with the Serbian authorities in order to establish an operational protocol on cooperation in the investigation and prosecution of war crimes and immediately open archives relevant to cases of enforced disappearances that took place during and immediately after the 1998-1999 events in Kosovo.[35]

5. Fundamental freedoms and the right to participate in public and political life[45]

35. The United Nations country team noted that cases of assault on human rights defenders continued to be reported.[47] Civil society and media reported an increase in threats.[48] A mainstreaming of measures to protect human rights defenders and to end impunity for abuses of human rights defenders were featured consistently among the highest priorities articulated by civil society and the country's national human rights institution.[49]

36. The United Nations country team indicated that civil society and media had expressed concerns related to a narrowing of the public space owing to, inter alia, the apparent shrinkage of the range and number of independent media outlets, and new authoritarian strains in cultures of governance that had strengthened censorship, including self-censorship.[50] The Human Rights Committee remained concerned about the lack of transparency of media ownership and the ongoing public influence exercised on some media. It recommended that Serbia ensure the transparency of media ownership and the freedom and independence of private media outlets.[51]

37. The Human Rights Committee was concerned about allegations of public officials publicly vilifying and intimidating media workers and about the narrowing space for debate. It recommended that Serbia provide media workers with effective protection from all forms of intimidation and ensure that all cases were duly investigated and perpetrators prosecuted and appropriately sanctioned, and refrain from prosecuting journalists, human rights defenders and other members of civil society as a means of deterring or discouraging them from freely expressing their opinions.[52]

38. The same Committee recommended that Serbia review the application of the Public Assembly Act of 26 January 2016 so as to ensure its compatibility with the Covenant.[53]

6. Prohibition of all forms of slavery[54]

39. The Human Rights Committee was concerned about the presence of national and foreign criminal groups involved in trafficking and their exploitation of the large number of migrants and refugees in Serbia. It was also concerned about the situation of children trafficked or exploited by family members or others. The Committee recommended that Serbia strengthen measures to prevent and combat trafficking in persons, placing a specific focus on migrants and refugees.[55]

40. The Committee on Economic, Social and Cultural Rights urged Serbia to strengthen the monitoring of child labour, in particular by enhancing the Labour Inspectorate, in order to detect and prevent the worst forms of child labour, in particular by street children.[56]

9. Right to privacy and family life[57]

10. The Committee on the Rights of the Child was concerned that there were currently approximately 9,500 persons who had not been registered at birth, with the vast majority declaring themselves as Roma. It was concerned that those people had limited access to the enjoyment of basic rights, including to health care, education and social protection.[58]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[59]

42. The International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations urged the Government to take the necessary measures to amend section 167 of the Criminal Code so as to ensure that penalties of imprisonment could not be imposed for peacefully participating in a strike.[60] It requested the Government to take the necessary measures to ensure that legitimate trade union activities did not fall under sections 173-176 of the Criminal Code.[61] The Committee on Economic, Social and Cultural Rights was concerned at the low level of enjoyment by employees in the private sector of their right to form or join trade unions and at the excessive restrictions on the right to strike for public sector employees even if they did not provide "essential services".[62]

38. The Committee on Economic, Social and Cultural Rights remained concerned about the high unemployment rate in Serbia, which disproportionately affected women, persons with disabilities, Roma, internally displaced persons and people living in rural areas. The Committee urged Serbia to intensify its efforts to reduce the unemployment rate through effective measures of active employment policy, including requalification, local employment initiatives, placement incentives and tax benefits for employers, in order to promote the employment of persons from marginalized groups.[63]

39. The same Committee was concerned about the low employment rate of women and the prevalence of gender discrimination in employment.[64] The Committee on the Elimination of Discrimination against Women recommended that Serbia adopt measures to implement the principle of equal pay for work of equal value in order to narrow and close the gender wage gap.[65]

40. The Committee on the Rights of Persons with Disabilities recommended that Serbia review the practice of the application of law to ensure legislation was not disadvantageous for persons with disabilities in terms of employment and labour market participation.[66]

2. Right to an adequate standard of living[67]

41. The Special Rapporteur on adequate housing referred to difficult housing conditions in Serbia and asserted that those conditions and the number of persons affected, combined with the country's uncertain economic future, suggested that Serbia had an urgent housing crisis.[68]

42. The Special Rapporteur also stated that the multiplicity of short-term housing projects developed in parallel suggested a fragmented approach.[69] She was troubled by the apparent lack of effort to establish long-term policies and national institutions to address housing, as a fundamental human right for all, with dedicated national and local budgets.[70]

43. The same Special Rapporteur stated that the deplorable situation of those living in informal settlements should be rectified without delay, including by addressing insecure tenure, the forced eviction of those in informal settlements or without formal rental contracts and the lack of access to public services for those without a registered residence.[71]

44. The Special Rapporteur recommended that Serbia, inter alia, conduct, in concert with local governments, an assessment of national housing needs, adopt a national law on housing that was the result of genuine consultations and the participation of all stakeholders and compliant with international human rights standards, ensure the prohibition of forced evictions and ensure security of tenure for the urban poor, including those living in informal settlements.[72]

45. The same Special Rapporteur stated that courts were reportedly reluctant to invoke and apply international human rights law in Serbia.[73] She underscored the lack of timely and effective mechanisms to challenge violations of the right to housing and to access remedies.[74]

46. The Special Rapporteur referred to relevant legislation on housing in Kosovo, and stated that it was essential that the draft law aimed at replacing the Law on Financing Specific Housing Programmes be aligned with international human rights standards pertaining to housing.[75]

3. Right to health[76]

47. The Committee on the Rights of the Child noted as positive the adoption of a number of policies to improve access to adequate health care. It remained concerned that regional disparities and equity gaps, combined with financial constraints and inadequate health insurance coverage affecting a considerable portion of the rural population and vulnerable groups, continued to hinder access to basic health-care services.[77]

48. The same Committee remained concerned that Roma mothers and young children were particularly vulnerable and continued to have limited access to adequate maternal and general health care, resulting in high mortality rates, early births and low rates of immunization against childhood diseases.[78]

49. While noting as positive the overall decrease in child mortality, the Committee was also seriously concerned that the infant mortality rate in Serbia remained above the European Union average.[79] It remained concerned about high levels of malnutrition affecting the Roma community, with poverty and social isolation further exacerbating the situation.[80]

50. The Committee on the Rights of Persons with Disabilities was concerned about the limited access to health services for persons with disabilities in Serbia, in particular access to sexual and reproductive health.[81] It urged Serbia to repeal the Law on the Protection of Persons with Mental Disabilities, which, inter alia, permitted deprivation of liberty on the basis of impairment, and recommended that Serbia prohibit medical interventions from being made without the prior consent of persons with disabilities.[82]

51. The United Nations country team asserted that sex workers and prostitutes reported barriers in accessing health services, social protection services and protection from violence, as well as biased treatment by police and the judiciary.[83]

4. Right to education[84]

52. The Committee on the Rights of the Child noted as positive efforts made to improve the education system, but remained concerned that the rates of non-attendance and school dropout were high, and that efforts to achieve inclusive education were hindered by, inter alia, regional disparities in available resources and continuing resistance from school staff and parents. The Committee recommended that Serbia develop programmes to reduce dropout rates and provide for the monitoring and evaluation of such programmes.[85]

53. The same Committee remained concerned that the enrolment of children with disabilities was low at all levels of education and "special classrooms" located within mainstream schools still prevailed. It was also concerned that equity gaps continued to prevent children from vulnerable groups, including children with disabilities, migrant and asylum-seeking children, children from rural areas, deprived children and Roma children, from gaining access to quality education.[86]

54. The Committee on the Rights of Persons with Disabilities was concerned that more than half of the children living in residential care institutions were not in education and that few measures had been adopted to provide standardized and regulated transparent protocols relating to individual education plans.[87]

55. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Serbia be encouraged to strengthen its efforts against discrimination in order to promote inclusive education for all children, mainly by increasing its actions to implement the anti-discrimination strategy.[88]

D. Rights of specific persons or groups

1. Women[89]

56. The United Nations country team noted that girls and women in Serbia were still frequently exposed to gender-based violence, such as violence in family and partner relationships, sexual harassment and rape.[90]

57. The United Nations country team noted the adoption in 2016 of a law on the prevention of domestic violence, as well as amendments to provisions of the Criminal Code on rape and related non-consensual sex, stalking, sexual harassment, forced marriage and genital mutilation.[91]

58. The Committee on the Elimination of Discrimination against Women remained concerned about the increasing number of women murdered by their husbands, ex-husbands or partners and the significant disparity among the number of police interventions, the number of criminal charges filed and the number of persons convicted of domestic violence against women. It recommended that Serbia review and revise the Criminal Code, the Family Code and other relevant laws with a view to effectively preventing all forms of violence against women and protecting victims.[92]

59. The United Nations country team stated that deep-rooted stereotypes persisted in Serbia and that there was a recent trend of re-establishing traditional roles and responsibilities of women and men in the family and society, which undermined women's social status, participation in public life and professional careers.[87] The ILO Committee of Experts requested that the Government address the stereotypes and assumptions regarding women's aspirations and capabilities, as well as regarding their suitability for certain jobs, and to promote equal sharing of family responsibilities.[88]

60. The United Nations country team indicated that only 5 per cent of municipal presidents or mayors, and 29 per cent of the councillors in local assemblies, were women.[89] The Committee on Economic, Social and Cultural Rights was concerned about the underrepresentation of women in the national and local government bodies and public sector positions.[90] The United Nations country team indicated that fewer women than men were employed (42 per cent as compared to 58 per cent).[91] The ILO Committee of Experts requested the Government to take the necessary measures to effectively address horizontal and vertical occupational segregation between men and women and promote the participation of women in the labour market in a wider range of occupations, including through awareness-raising and sensitization to overcome gender stereotypes.[92]

2. Children[93]

61. The Committee on the Rights of the Child recommended that Serbia enact a comprehensive children's act and introduce a child rights impact assessment procedure for all new legislation adopted at the national level.[94]

62. Despite the progress made, the same Committee was seriously concerned about the high number of reported cases of violence against children. It urged Serbia to establish legislative and other measures to ensure mandatory compliance with the general protocol on the protection of children from abuse and violence.[95] UNESCO recommended that Serbia be encouraged to further improve education policies against violence, including sexual violence against women and children.[96]

63. The United Nations country team stated that the number of reported cases of violence against children had increased, with children with disabilities reportedly being four times more likely to be victims of violence.[97] It also indicated that corporal punishment in the home was still not legally prohibited in Serbia.[98]

64. The Committee on the Rights of the Child remained concerned that corporal punishment was currently permitted in the home, continued to be widely accepted in society as a means of disciplining children and was not explicitly prohibited in legislation to date. It urged Serbia to explicitly prohibit corporal punishment in legislation.[99]

65. Regarding the prevention of child trafficking and sexual exploitation, the Office of the United Nations High Commissioner for Refugees (UNHCR) stated there was a lack of adequate response by the social welfare system to the needs of asylum-seeking, refugee and migrant children, in particular unaccompanied and separated children.[100] It recommended that the Government strengthen its national system for child protection by ensuring effective guardianship and the implementation of the processes for the best interest assessment and the best interest determination.[101] The ILO Committee of Experts requested the Government to strengthen the capacity of law enforcement agencies so as to ensure that thorough investigations and robust prosecutions of perpetrators of the sale and trafficking of children and commercial sexual exploitation of children were carried out.[102]

66. The Committee on the Rights of the Child remained concerned that the number of children, including children under 3 years of age, placed in formal care was still significant.[103] The Committee on the Rights of Persons with Disabilities was deeply concerned about the number of children with disabilities, especially those with intellectual disabilities, living in institutions.[104]

3. Persons with disabilities[105]

67. The Committee on the Rights of Persons with Disabilities was concerned at the lack of specific actions implemented by Serbia to prevent and combat the multiple and

intersectional discrimination that women and girls with disabilities faced, particularly in access to justice, protection against violence and abuse, education, health and employment.[112]

68. The Committee was also concerned about the lack of a national accessibility strategy or legislation containing effective sanctions for non-compliance with relevant norms and about the low degree of accessibility of public buildings, institutions and services, and electronic mass media services in Serbia. It recommended that Serbia develop a comprehensive accessibility plan, and ensure efficient monitoring of that plan, and a road map that set benchmarks for the removal of barriers.[113]

69. The United Nations country team asserted that 45 per cent of all persons with disabilities older than 15 years of age either had never attended school or had attended only a few classes without completing their primary education.[114] It indicated that less than 1 per cent of pupils had been transferred from "special" to mainstream education.[115] The Special Rapporteur on adequate housing stated that for deinstitutionalization to succeed it must go hand-in-hand with the provision of adequate services, resources and support in the community for both persons with disabilities and their caregivers.[116]

70. The United Nations country team stated that about 91 per cent of persons with disabilities in Serbia were unemployed.[117] The Committee on the Rights of Persons with Disabilities recommended, inter alia, that Serbia review the practice of the application of law to make sure legislation was not disadvantageous for persons with disabilities in terms of employment and labour market participation.[118]

71. The Committee on the Rights of Persons with Disabilities recommended that Serbia increase its efforts to include persons with disabilities in positions of elected representation and public office. It also recommended that Serbia ensure that upcoming elections were inclusive of and accessible to all persons with disabilities.[119]

72. The United Nations country team referred to provisions barring persons lacking legal capacity from standing in an election and recommended that legal provisions allowing for plenary guardianship be abolished, in line with human rights standards.[120] The Committee on the Rights of Persons with Disabilities recommended that Serbia harmonize its legislation with the Convention on the Rights of Persons with Disabilities, with a view to replacing substituted decision-making with supported decision-making regimes that respected the person's autonomy, will and preferences.[121]

4. Minorities and indigenous peoples[122]

73. The United Nations country team indicated that, in 2016, Serbia had amended legislation related to national minorities, but that limited progress had been made in overcoming legacies of language- and ethnicity-based segregation.[123] The Special Rapporteur on adequate housing stated that, while significant steps had been taken to address discrimination against minorities in law and programmes, de facto discrimination continued unabated.[124]

74. The Committee on Economic, Social and Cultural Rights was concerned about the prevailing discrimination against Roma as evidenced, inter alia, by disproportionately high unemployment, limited access to social security, accommodation in informal settlements and inadequate health care and education. It urged Serbia to take further measures to overcome the prevailing discrimination against Roma in the enjoyment of economic, social and cultural rights, including through the revision of the Strategy for Improvement of the Status of Roma.[125] The United Nations country team stated that no Roma had been elected to the Serbian National Assembly in the 2016 elections and that Roma were extremely underrepresented in local and regional representative bodies. It also stated that there appeared to be near-100 per cent exclusion of Roma from work in public institutions.[126]

75. The United Nations country team indicated that the strategy for the social inclusion of Roma for the period 2016-2025 lacked a strong monitoring and evaluation framework, and therefore did not clearly set out what it aimed to achieve for the period.[127]

76. The United Nations country team mentioned some progress on education for Roma but asserted that deep structural problems remained. The system continued to be marked by

racial segregation, with segregation being manifest in mainstream schooling, particularly in urban areas. Romani children who were in preschool were often segregated by being placed in "special groups". The United Nations country team indicated that the Ministry of Education had adopted, in March 2016, a by-law on anti-discrimination.[128]

77. The Special Rapporteur on adequate housing highlighted the disproportionate number of evictions of Roma and the authorities' failure to provide basic services or to guarantee legal security of tenure for residents in settlements, which reflected a stigmatization of and discrimination against Roma.[129]

78. The United Nations country team stated that Romani women and girls faced multisectoral discrimination and heightened barriers to access to services. Early, arranged marriage in some segments of the Roma communities in Serbia remained an issue of concern.[130]

5. Migrants, refugees, asylum seekers and internally displaced persons[131]

79. The ILO Committee of Experts requested the Government to take the necessary measures to collect data, if possible disaggregated by sex and country of origin, on migrant workers engaged in undeclared work. It also requested the Government to take the necessary steps to formulate and implement a national policy on equality of opportunity and treatment with respect to employment and occupation, social security, trade union and cultural rights and individual and collective freedoms.[132]

80. UNHCR indicated that the Asylum Office as currently set up could not process the significant increase in asylum applications.[133] The Committee against Torture was concerned that the human resources of the Asylum Office were insufficient to respond adequately to the growing number of asylum seekers. It recommended that Serbia continue and intensify its efforts to facilitate access to a prompt and fair individualized asylum determination procedure in order to avoid the risk of refoulement.[134]

81. UNHCR underscored that there was an urgent need for short-term measures to improve and expedite the processing of applications, including by establishing a protection-sensitive screening mechanism in order to identify persons with specific needs.[135] It recommended that the Government allow for fair and efficient judicial review of negative asylum decisions.[136]

82. The Human Rights Committee was concerned, inter alia, about the existence of significant obstacles and delays in the process of registering, interviewing and providing identification for asylum seekers and about reported cases of collective and violent expulsions and of the misapplication of the "safe third country" principle, despite concerns regarding conditions in some of those countries. The Committee recommended that Serbia ensure, inter alia, that access to formal procedures for asylum applications was available at all border points and that appropriate protocols were in place for identifying the age of unaccompanied minors.[137]

83. The United Nations country team stated that collective or otherwise arbitrary expulsions from Serbia had been reported in 2016, involving people who had been pushed back shortly after crossing from Bulgaria to Serbia, apprehended by Serbian authorities and forced to return to Bulgarian territory, in some cases with the use of violence.[138]

84. The United Nations country team stated that, after the 1998-1999 conflict, nearly 50,000 persons had found refuge in Serbia and that, as at 2014, there were 23,217 Roma, Ashkali and Balkan-Egyptians officially registered in Serbia as internally displaced persons from Kosovo.[139] It asserted that many of those persons led extremely marginal existences and that a lack of documentation confirming temporary or permanent residency made finding formal employment difficult.[140]

85. The Special Rapporteur on the human rights of internally displaced persons stated that among the most urgent protection needs of internally displaced persons was obtaining documentation to enable them to access basic public services. He called upon the Government of Serbia and authorities in Kosovo to provide internally displaced persons with personal documentation.[141]

86. The same Special Rapporteur recommended that the competent authorities of Serbia, inter alia, continue to provide political will and leadership to attain durable solutions for all internally displaced persons in Serbia; implement local integration pragmatically, while having regard for return and settlement elsewhere; effectively implement the Law on Permanent and Temporary Residence on a holistic basis; and continue to pay special attention to the protection of Roma to address their acute vulnerability.[142]

87. The Special Rapporteur also recommended that the competent authorities in Kosovo, inter alia, provide special protection, security and safety for returning internally displaced persons in their places of origin as well as in places of integration or resettlement; effectively address the issue of property in the context of resolving disputes involving the properties of internally displaced persons, providing effective remedies in relation to such properties, and preventing illegal occupation of the properties of internally displaced persons; and ensure the effective implementation of government policy in order to improve the protection of all internally displaced persons.[143]

6. Stateless persons[144]

88. The United Nations country team stated that there were about 2,400 persons at risk of statelessness in Serbia, of whom several hundred lacked birth registration. An overwhelming proportion of those were Roma.[145]

89. The Special Rapporteur on internally displaced persons indicated that a considerable proportion of Roma internally displaced persons did not have birth certificates.[146] UNHCR stated that Serbia had adopted new legislation that simplified subsequent birth registration and procedures related to registration of residence. It welcomed efforts to find solutions to problems relating to access to late birth registration, which had resulted in a significant decrease in the number of Roma at risk of statelessness in the country.[147]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Serbia are available at www.ohchr.org/EN/Countries/ENACARegion/Pages/RSIndex.aspx.
[2] For relevant recommendations, see A/HRC/23/15, paras. 131.1, 132.1-132.2, 132.12 and 133.1-133.2.
[3] United Nations country team submission for the universal periodic review of Serbia, p. 3.
[4] For relevant recommendations, see A/HRC/23/15, paras. 131.4-131.5, 131.7, 131.9-131.11, 132.2-132.5, 132.15 and 133.5.
[5] See E/C.12/SRB/CO/2, para. 8.
[6] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15924&LangID=E.
[7] See CRC/C/SRB/CO/2-3, paras. 16-17.
[8] United Nations country team submission, p. 4.
[9] See A/HRC/31/54/Add.2, paras. 63-64.
[10] See A/HRC/30/38/Add.1, para. 32.
[11] For relevant recommendations, see A/HRC/23/15, paras. 131.12-131.13, 132.13-132.14, 132.17, 132.25-132.26, 132.29-132.30, 132.62 and 132.79.
[12] See CCPR/C/SRB/CO/3, paras. 10-11.
[13] See CRC/C/SRB/CO/2-3, paras. 22-23.
[14] United Nations country team submission, pp. 3-4.
[15] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20682&LangID=E.
[16] Ibid.
[17] See A/HRC/30/38/Add.1, para. 118.
[18] See CCPR/C/SRB/CO/3, paras. 12-13. See also United Nations country team submission, p. 11.
[19] United Nations country team submission, p. 5.
[20] For relevant recommendations, see A/HRC/23/15, paras. 131.3-131.4, 131.20, 132.11 and 133.4.
[21] United Nations country team submission, p. 11.
[22] See CAT/C/SRB/CO/2, para. 8.
[23] Ibid., para. 12.
[24] Ibid.
[25] Ibid., para. 18.
[26] For relevant recommendations, see A/HRC/23/15, paras. 131.30, 132.64-132.70 and 132.72-132.73.
[27] See E/C.12/SRB/CO/2, para. 9.

[28] See CCPR/C/SRB/CO/3, paras. 34-35. See also E/C.12/SRB/CO/2, para. 9 and United Nations country team submission, p. 4.
[29] See CAT/C/SRB/CO/2, para. 10.
[30] See A/HRC/30/38/Add.1, paras. 27-28.
[31] Ibid., paras. 30, 99 and 104.
[32] Ibid., paras. 56, 58, 99 and 104.
[33] Ibid., para. 98.
[34] Ibid., para. 8, also paras. 7 and 42. See also CCPR/C/SRB/CO/3, paras. 22-23.
[35] See CED/C/SRB/CO/1, paras. 13-14. See also CAT/C/SRB/CO/2, para. 11.
[36] See A/HRC/30/38/Add.1, para. 110, also paras. 37-38. See also CED/C/SRB/CO/1, paras. 13-14.
[37] See CCPR/C/SRB/CO/3, paras. 22-23. See also CED/C/SRB/CO/1, paras. 13-14.
[38] See A/HRC/30/38/Add.1, para. 77.
[39] Ibid., para. 114.
[40] Ibid., paras. 29-31.
[41] Ibid., para. 103, also para. 39.
[42] Ibid., para. 38, also paras. 54 and 84.
[43] Ibid., para. 83, also para. 69.
[44] Ibid., paras. 56, 59 and 71-73.
[45] Ibid., paras. 121 and 128, also paras. 123, 129, 132 and 136.
[46] For relevant recommendations, see A/HRC/23/15, paras. 131.14-131.19, 132.8, 132.27-132.28, 132.31-132.32, 132.75-132.78, 132.80-132.82, 132.98 and 133.6-133.12.
[47] United Nations country team submission, p. 3.
[48] Ibid., p. 12.
[49] Ibid., p. 3.
[50] Ibid., p. 12.
[51] See CCPR/C/SRB/CO/3, paras. 38-39.
[52] Ibid. See also United Nations country team submission, p. 12.
[53] See CCPR/C/SRB/CO/3, paras. 38-39. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3141920,102839,Serbia,2013.
[54] For relevant recommendations, see A/HRC/23/15, paras. 131.22, 132.48 and 132.51-132.53.
[55] See CCPR/C/SRB/CO/3, paras. 30-31. See also E/C.12/SRB/CO/2, para. 25.
[56] See E/C.12/SRB/CO/2, para. 28. See also http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3141851,102839,Serbia,2013.
[57] For relevant recommendations, see A/HRC/23/15, paras. 132.8, 132.93 and 132.96.
[58] See CRC/C/SRB/CO/2-3, paras. 30-31.
[59] For relevant recommendations, see A/HRC/23/15, paras. 132.24 and 132.83.
[60] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3141920,102839,Serbia.
[61] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3254760,102839,Serbia,2015.
[62] See E/C.12/SRB/CO/2, para. 21.
[63] Ibid., para. 17.
[64] Ibid., para. 16.
[65] See CEDAW/C/SRB/CO/2-3, paras. 30-31.
[66] See CRPD/C/SRB/CO/1, paras. 53-54. See also E/C.12/SRB/CO/2, para. 17.
[67] For the relevant recommendation, see A/HRC/23/15, para. 132.84.
[68] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16005&LangID=E.
[69] See A/HRC/31/54/Add.2, paras. 93-94.
[70] Ibid., para. 97, also paras. 93-94.
[71] Ibid., para. 95, also para. 42.
[72] Ibid., para. 100, also para. 23. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16005&LangID=E.
[73] See A/HRC/31/54/Add.2, para. 59.
[74] Ibid., para. 98, also para. 29.
[75] Ibid., para. 77.
[76] For the relevant recommendation, see A/HRC/23/15, para. 132.24.
[77] See CRC/C/SRB/CO/2-3, paras. 45-46.
[78] Ibid.

[79] Ibid., paras. 26-27.
[80] Ibid., paras. 45-46. See also United Nations country team submission, p. 10.
[81] See CRPD/C/SRB/CO/1, paras. 51-52.
[82] Ibid., paras. 26 and 34.
[83] United Nations country team submission, p. 5.
[84] For relevant recommendations, see A/HRC/23/15, paras. 132.9-132.11, 132.24-132.25, 132.35, 132.47, 132.50, 132.87 and 132.94-132.96.
[85] See CRC/C/SRB/CO/2-3, paras. 54-55.
[86] Ibid.
[87] See CRPD/C/SRB/CO/1, paras. 47-48.
[88] UNESCO submission for the universal periodic review of Serbia, p. 6, also pp. 4-5.
[89] For relevant recommendations, see A/HRC/23/15, paras. 132.18-132.24, 132.33-132.44 and 132.47.
[90] United Nations country team submission, p. 5.
[91] Ibid., p. 4.
[92] See CEDAW/C/SRB/CO/2-3, paras. 22-23.
[93] United Nations country team submission, p. 4.
[94] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3187767,102839,Serbia,2014.
[95] United Nations country team submission, p. 4.
[96] See E/C.12/SRB/CO/2, para. 16. See also United Nations country team submission, p. 4.
[97] United Nations country team submission, p. 4.
[98] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3244362,102839,Serbia,2015.
[99] For relevant recommendations, see A/HRC/23/15, paras. 131.23-131.25, 131.27-131.29, 132.46 and 132.54-132.57.
[100] See CRC/C/SRB/CO/2-3, paras. 6-7.
[101] Ibid., paras. 32-33.
[102] UNESCO submission, p. 6.
[103] United Nations country team submission, p. 10.
[104] Ibid., p. 11.
[105] See CRC/C/SRB/CO/2-3, paras. 36-37.
[106] UNHCR submission for the universal periodic review of Serbia, p. 2.
[107] Ibid., p. 3.
[108] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3141983,102839,Serbia,2013.
[109] See CRC/C/SRB/CO/2-3, paras. 39-40.
[110] See CRPD/C/SRB/CO/1, paras. 13-14.
[111] For relevant recommendations, see A/HRC/23/15, paras. 132.6 and 132.86-132.87.
[112] See CRPD/C/SRB/CO/1, paras. 11-12.
[113] Ibid., paras. 17-18.
[114] United Nations country team submission, p. 9.
[115] Ibid., p. 10.
[116] See A/HRC/31/54/Add.2, para. 51, also para. 101. See also United Nations country team submission, pp. 8-9.
[117] United Nations country team submission, p. 10.
[118] See CRPD/C/SRB/CO/1, para. 54.
[119] Ibid., paras. 59-60.
[120] United Nations country team submission, p. 8.
[121] See CRPD/C/SRB/CO/1, para. 22.
[122] For relevant recommendations, see A/HRC/23/15, paras. 132.88-132.97 and 132.99.
[123] United Nations country team submission, p. 12, also p. 3.
[124] See A/HRC/31/54/Add.2, para. 95.
[125] See E/C.12/SRB/CO/2, para. 12.
[126] United Nations country team submission, p. 6.
[127] Ibid., p. 5.
[128] Ibid., p. 6.
[129] See A/HRC/31/54/Add.2, para. 44.
[130] United Nations country team submission, p. 7.
[131] For relevant recommendations, see A/HRC/23/15, paras. 132.100-132.102.

[132] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3129179,102839,Serbia,2013.
[133] UNHCR submission, p. 4.
[134] See CAT/C/SRB/CO/2, para. 14. See also CCPR/C/SRB/CO/3, paras. 32-33, UNHCR submission, p. 4, and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17091&LangID=E.
[135] UNHCR submission, p. 4.
[136] Ibid., p. 5.
[137] See CCPR/C/SRB/CO/3, paras. 32-33. See also United Nations country team submission, p. 11.
[138] United Nations country team submission, p. 11.
[139] Ibid., p. 7.
[140] Ibid., p. 7, also p. 12. See also A/HRC/26/33/Add.2, paras. 7-8, and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16005&LangID=E.
[141] See A/HRC/26/33/Add.2, paras. 20 and 23.
[142] Ibid., para. 61, also para. 40. See also UNHCR submission, p. 3.
[143] See A/HRC/26/33/Add.2, para. 62. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20514&LangID=E.
[144] For relevant recommendations, see A/HRC/23/15, paras. 132.8, 132.93 and 132.96.
[145] United Nations country team submission, p. 12.
[146] See A/HRC/26/33/Add.2, paras. 19 and 21.
[147] UNHCR submission, pp. 1-2.